THE HON'BLE MR JUSTICE N.V.RAMANA

WRIT PETITION No.7603 of 2007

Dated 13-04-2007

Between:
M.S.Sastry.

..... PETITIONER

AND

The Regional Manager, APSRTC, Guntur, Guntur District & others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE N.V.RAMANA

WRIT PETITION No.7603 of 2007

O R D E R:

The petitioner, driver in A.P.S.R.T.C., Piduguralla Bus Depot, was charge sheeted for the accident, which occurred on 15-11-2005. The petitioner submitted his explanation on 25-11-2005 denying the charges levelled against him. On the basis of the report submitted by the enquiry officer, the second respondent passed the final order on 12-05-2006 imposing the punishment of stoppage of annual increment for a period of two years with cumulative effect. Aggrieved thereby, the petitioner preferred an appeal to the appellate authority and the same was rejected on 25-09-2006. Hence the writ petition.

Learned counsel for the petitioner submits that the second respondent, without furnishing copy of enquiry report and without affording any opportunity of hearing to the petitioner, straight away issued the impugned proceedings imposing the punishment of deferment of annual increment for a period of two years with cumulative effect. He further submitted that the issue raised in this writ petition is squarely covered by the orders of this Court in W.P.No.18299 of 2005, dated 05-09-2005. Learned standing counsel for the respondent-Corporation admitted the same. He, however, opposed the relief contending that after considering the entire material on record, the impugned order was passed, and no interference is called for therewith.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondent-Corporation.

The issue raised in the present writ petition is squarely covered by the orders of this Court in W.P.No.18299 of 2005, dated 05-09-2005. The operative portion of the said order reads as under:

"Strictly speaking the impugned order deserves to

be set aside, and the matter needs to be remanded. However, having regard to the fact that nearly six years have elapsed, this Court does not find it proper, to subject the petitioner to another set of proceedings. Taking the totality of the circumstances into account, the punishment of stoppage of increment shall be treated, as the one without cumulative effect. However, the petitioner shall not be entitled for any monetary benefit, upto the date of this order, on account of the modification of the punishment.

The writ petition is accordingly disposed of. There shall be no order as to costs."

Hence, following the orders of this Court in W.P.No.18299 of 2005, dated 05-09-2005, the present writ petition is also disposed of with the following direction.

The impugned order dated 12-05-2006, passed by the second respondent imposing the punishment of stoppage of annual increment for a period of two years with cumulative effect, is modified to that of stoppage of annual increment without cumulative effect. However, the petitioner shall not be entitled to any monetary benefits arising out of this order, but shall be entitled for fixation of pay only.

Accordingly, the writ petition is disposed of. No order as to costs.

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13-04-2007

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